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NEWS RELEASE

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CITY WINS NINTH CIRCUIT APPEAL ON FEES

San Diego, CA: The Ninth Circuit Court of Appeals today affirmed the District Court's ruling and denied a motion for attorney's fees and costs made by Bryan Pease for La Jolla Friends of the Seals ("Friends") case.

The decision (attached) reinforces the lower court's ruling that the "City" and "Friends" shared the same goal of protecting the seals during the pupping season by passing resolutions calling for a rope barrier to protect the seals. The appellate court confirmed that the district court correctly concluded that the City was not an "opposing party" within the California Code of Civil Procedure section 1021.5, and did not abuse its discretion.

Deputy City Attorney George Schaefer, who defended the City in the case since its inception in 2008, described the appellate decision denying lawyer's fees as a "clear victory for the City's taxpayers."

The City Council voted to close the Children's Pool to the public during the harbor seal pupping season. The City is currently seeking a state permit to do this.

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